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WESTERN DISTRICT OF LOUISIANA
SHREVEPORT, LOUISIANA
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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

Case No. 5:23-cv- 0425

CLINTON STRANGE,

Plaintiff

v.

DIRECT FUNDING NOW LLC;

a California Domestic Limited Liability Company

IP HORIZON LLC;

a Florida Domestic Limited Liability Company

&

Does Nos. 1-5,

Defendants

CIVIL ACTION COMPLAINT

NATURE OF SUIT:

1. The *pro se* Plaintiff CLINTON STRANGE ("PLAINTIFF"), brings this private enforcement action against Defendants named below in the Parties section for alleged violations of the Telephone Consumer Protection Act of 1991 ("TCPA"), and the applicable laws of the States where the violations originated from. Plaintiff seeks a maximum recovery of Statutory, actual and or enhanced civil damages allowable under the statutes, recovery of all costs, fees and or expenses and pre and or post-judgment interest.

JURISDICTION & VENUE:

2. Jurisdiction primarily arises in this U.S. District Court under a federal question as the TCPA is a federal statute pursuant to 28 U.S. Code § 1331.
3. Venue lies proper in this U.S. District as the calls alleged were transmitted to a 318- area code number toward a consumer in this U.S. District pursuant to 28 U.S. Code § 1391.

THE PARTIES:

4. Plaintiff CLINTON STRANGE is an adult individual and a “person” as that term is defined under 47 U.S. Code § 153(39) residing at the address of:

CLINTON STRANGE
7021 WINBURN DRIVE
GREENWOOD, LA 71033

5. Defendant DIRECT FUNDING NOW LLC is a California Domestic Limited Liability Company, and a “person” as that term is defined under 47 U.S. Code § 153(39), principally headquartered in Irvine California. According to the California Commissioner of Business Oversight, this Defendant operates as/ is a finance lender that was licensed by the Commissioner on or around February 4, 2019 (CFL License No. 60DBO-93189). This Defendant has a California Registered Agent to receive service of Process at:

GOODALL W. MCCULLOUGH, III
c/o: DIRECT FUNDING NOW LLC
3900 BIRCH, STE 110
NEWPORT BEACH, CA 92660

6. Defendant IP HORIZON LLC is a Voice Over Internet Protocol (“VoIP”) Telecommunications provider and fits the definition under 47 U.S. Code § 153(36). This business entity is the *latest* incarnation of an Robocall *aiding and abetting* enterprise including Call48, HFA Holdings, and V1 VoIP operating out of a location in Florida. This Defendant maintains a Florida registered Agent listed as:

CORPORATION SERVICE COMPANY

c/o: IP HORIZON LLC

1201 HAYS ST

TALLAHASSEE, FL 32301

FACTUAL ALLEGATIONS:

Historical Background Information

7. On January 4, 2018, the Plaintiff successfully registered his Verizon Wireless Cellphone number 318-423-5057 on the Federal Do-Not-Call Registry. The registration has been continuous since that date and no renewal is statutorily required.
8. On August 2, 2018, Plaintiff registered his Verizon Wireless Cellphone number 318-423-5057 on the Louisiana Public Service Commission's Do-Not-Call Program Registry, and it is due for renewal August 2, 2023.
9. Plaintiff complained to Call48 a/k/a V1 Voip regarding U.S. Autocare Robocalls in conjunction with a Court Order and Subpoena in 2020.
10. Global Bridge Communications Incorporated (Delaware) d/b/a U.S. Autocare was the 11th most complained about and traced-back Robocaller according to the U.S. FCC's First Traced Act report to the U.S. Congress.
11. Defendant Direct Funding Now was sued by Plaintiff in 2018 due to similarly alleged conduct in this action that was later amicably resolved in 2018.
12. Defendant Direct Funding Now is being sued in a Class Action by a named Plaintiff (Abramson). See *Abramson, et. al. v. Direct Funding Now LLC* Case No. 2:22-cv-01183-CCW DE *1 (W. D. Pa.) (Aug. 17, 2022).
13. In the above complaint – *Id.* at DE* 1, ¶ 26 the (949) number was also a Sinch USA DID assigned number. See below ¶¶ 18-19.

14. Following the filing of the above class-action complaint Direct Funding Now devised a plan to try to contract away their liability by hiring a Doe vendor to deliver Ringless voicemails to consumer cellphones *en masse*.

The March 28, 2023 Incidents

15. On March 28, 2023, at 2:56pm CDT Plaintiff's Cellphone awakened from 'rest mode' and illuminated briefly. Plaintiff looked to see what event occurred. Plaintiff saw that he missed a call from the IP Horizon provisioned number (940) 209-9225.
16. About a minute later a voice mail notification was alerted on Plaintiff's Cellphone.
17. Plaintiff grabbed his Samsung tablet and recorded the voicemail review.
18. According to the Verizon Wireless voicemail system, Plaintiff received an apparent Ringless Voicemail call on his Verizon Wireless number 318-423-5057 from an IP Horizon provisioned number (507) 478-8848 on March 28, 2023 at 2:57pm CST that left a pre-recorded voice message that played:

"Hi, this is Patricia calling you back with Debitum. Just a quick reminder, based on your business's Dun and Bradstreet score of 76, we do still have you preapproved for up to a \$500,000 line of credit, starting at just 4.8%. Now the funds can be available within 24 hours if you're interested, but the offer does expire soon. So please call me back at 949-520-6970. Again, that number is 949-520-6970. I hope you have a blessed day, and thank you."

19. Plaintiff researched the Sinch USA assigned number (949) 520-6970, and was able to connect it with consumer complaints associated with Direct Funding Now.

The Plaintiff's Harm & Injuries

20. Plaintiff Clinton Strange utilizes his DNC registered cell phone as a residential number for a bedside alarm, cooking timer when preparing meals, and as an in-home content streaming device for watching internet broadcasted content. Plaintiff also utilizes his

cellphone as a primary residential number (as Plaintiff terminated his wired AT&T Landline in *circa.* August 2016).

21. Plaintiff's Seclusion and Solitude and Tranquility are interrupted and or interfered with when bad actors like the Defendants place, and or initiate calls and or Ringless

Voicemails to Plaintiff's Cellphone.

22. Plaintiff suffered an Intrusion on his seclusion, and suffered Annoyance and Aggravation by Defendants' calls to his residential cellphone on March 28, 2023.

THE COUNTS & CAUSES OF ACTION:

COUNT I

(Plaintiff v. Direct Funding Now LLC)

AutoDialed & Pre-Recorded Voice Transmissions to a Cellphone

23. Plaintiff incorporates all the foregoing paragraphs as though the same were set forth at length herein.

24. Defendant Direct Funding Now (either directly or acting through an authorized vendor) utilized an Automatic Telephone Dialing System ("ATDS"), and or an Automatic Dial Announcing Device ("ADAD") to place at least two (2) calls to Plaintiff's Verizon Wireless Cellphone on March 28, 2023.

25. Defendant Direct Funding Now LLC is liable to Plaintiff for up to \$3,000 under this count pursuant to 47 U.S. Code § 227(b)(1)(A)(iii).

COUNT II

(Plaintiff v. Direct Funding Now LLC)

Violations of Do-Not-Call Restrictions

26. Plaintiff incorporates the foregoing paragraphs Nos. 1-22 as though the same were set forth at length herein.

27. Defendant Direct Funding Now (either directly or acting through an authorized vendor) placed more than one call during a 12-month period to: (1) a DNC registered number; (2) that within a Five-Year Period previously requested to be placed on their internal DNC.
28. Defendant Direct Funding Now LLC is liable to Plaintiff for up to \$3,000 under this count pursuant to 47 U.S. Code § 227(c)(5) for up to \$3,000 under this count at the discretion of the Court or trier of fact.

COUNT III

(Plaintiff v. All Defendants)

AutoDialed & Pre-Recorded Voice Transmissions to a Cellphone

29. Plaintiff incorporates the foregoing paragraphs Nos. 1-22 as though the same were set forth at length herein.
30. Named Defendants (Direct Funding Now LLC & IP Horizon LLC) are jointly and severally liable to Plaintiff for their roles in the placing and or initiating illegal calls to Plaintiff's residentially used DNC registered cellphone number 318-423-5057 within a 4-year period prior to the filing of the complaint.
31. Plaintiff is entitled to and seeks injunctive relief enjoining Named Defendants (Direct Funding Now LLC & IP Horizon LLC) from future violations under this Count.

COUNT IV

(Plaintiff v. All Defendants)

Violations of Do-Not-Call Restrictions

32. Plaintiff incorporates the foregoing paragraphs Nos. 1-22 as though the same were set forth at length herein.
33. Named Defendants (Direct Funding Now LLC & IP Horizon LLC) are jointly and severally liable to Plaintiff for their roles in the placing and or initiating illegal calls to

Plaintiff's residentially used DNC registered cellphone number 318-423-5057 within a 4-year period prior to the filing of the complaint.

34. Plaintiff is entitled to and seeks injunctive relief enjoining Named Defendants (Direct Funding Now LLC & IP Horizon LLC) from future violations under this Count.

PRAYER FOR RELIEF:

Wherefore, Plaintiff seeks judgment in Plaintiff's favor and damages against Defendants in the form of the following requested relief:

Statutory Damages;

Stacked Damages;

Trebled Damages;

Injunctive Relief;

Recovery of All Costs, Fees & Expenses;

Pre & or Post Judgment Interest allowable under 28 U.S. Code § 1961;

, and such other and or further relief the Court deems necessary, just and or proper.

Respectfully Submitted,

X

Clinton Strange

Pro Se

7021 Winburn Drive

Greenwood, LA 71033

(318) 423-5057

StrangeC982@gmail.com

3-30-2023

Dated